

State of the Judiciary  
Chief Justice Arthur A. McGiverin, Iowa Supreme Court  
Message to the Legislature  
January 19, 1988

Madam President, Mr. Speaker, Senators, Representatives, State Officials, Justices, Judges, my fellow Iowans:

Today's state of the judiciary message is my first as Chief Justice of the Iowa Supreme Court. I am pleased to continue the path of my predecessor Chief Justice Reynoldson with whom you probably are better acquainted. Thank you for the invitation to speak here today.

I would like to take a moment to acknowledge some of the people present. Three new appellate judges are with us – two new Supreme Court Justices, Justice Bruce Snell and Justice James Andreasen, and the new Court of Appeals Judge, Judge Albert Habhab. Also present is the Judicial Council composed of the Chief Judge of each judicial district, and officers of Iowa's attorney organizations.

In this message, I will address the condition of the judiciary, my concerns and goals for Iowa justice, and the means for achieving those goals.

Before discussing current concerns, two upcoming historic celebrations should be noted. 1988 marks the 200th anniversary of the ratification of the Constitution of the United States. On June 21, 1788, the Constitution became official when New Hampshire, the ninth state, ratified it. Because of its unique flexibility and adaptability, augmented by a constitutional structure that divided power between three separate branches of government, our federal Constitution has stood the test of time to become the oldest document of its kind in the world.

This year also marks 150 years of government in Iowa. On June 12, 1838, Congress passed a law establishing the territorial government of Iowa. In the fall of 1838, the first court was held in the Iowa Territory at what is now Guttenberg in Clayton County.

The first territorial assembly, which consisted of thirteen senators and twenty-six representatives, met in Burlington in 1838. At the urging of Governor Robert Lucas, and with the assistance of the Supreme Court, the assembly compiled the first laws of the territory. Iowa's fine tradition of good government began with the cooperation of the three branches.

Of course, this is not to say that the first assembly passed laws without debate. Apparently, considerable debate centered around the matter of paying the three Supreme Court justices for their legislative services.

A much more recent example of cooperation and commitment between the branches of government is to be found in court reorganization. As you know, it involved phasing in state funding of the court system and the transfer of over 1,400 support personnel to the state judicial system. The major task of court reorganization is now complete and many of the benefits are already evident.

By the close of this fiscal year, the reorganization of the Iowa court system will have saved Iowa property taxpayers more than 18 million dollars. Thanks to your vision, a heavy tax burden has been lifted from the backs of Iowa property owners.

Other benefits of reorganization include:

- Unified budgeting for the courts;
- Continuing education for court reporters, clerks of court, and juvenile court officers;
- Uniform employee job descriptions and pay plans; and
- Moving employees from county to county to assist where most needed.

Today, because of the commitment and cooperation of all the people of Iowa, the Governor, the Legislature, and the Court, all Iowans receive better judicial services. Yet, these improvements in judicial services are only the beginning. Looking ahead, we have to do even better.

The duty of the third branch is to provide justice to all Iowans. I am proud to report that despite our current budgetary constraints, Iowans are provided top quality judicial services. This can be attributed to our dedicated and hardworking judicial department staff and judges.

The quality of judicial decisions, however, hinges on the quality of Iowa judges. Figures prove the dedication of every Iowa judge. The average number of cases disposed of per district court judge has jumped from 607 to 705 cases per year over the last decade.

But rather than dwell on hard numbers, it is important for Iowans to understand the crucial role and tremendous responsibilities of our judges, especially our trial court judges. Our judges preside over every kind of civil and criminal case imaginable, from small claims property disputes to multimillion dollar product liability actions and from simple misdemeanors to class “A” felonies. And although most cases don’t make the evening news, every case is significant because it touches the life of an Iowan.

We have every reason to boast about the job our judges are doing. But Iowa is at the brink of a judicial crisis. Our judges are suffering from low morale and potential burnout. We are having difficulty attracting and keeping experienced people devoted to public service, particularly on the district court bench.

Why is Iowa facing this situation? A major reason is low judicial compensation.

During the last decade, judicial salaries in Iowa have not kept pace with inflation, with increases awarded to other state employees, or with judicial compensation in other states.

In the last ten years, judicial salaries have increased less than half the national inflation rate. Measured by the consumer price index, the purchasing power of Iowa district judges has plunged 72 percent since 1977. During the same period, the percentage of salary increases of Iowa judges also has fallen substantially behind that of other state employees.

In 1977, Iowa ranked 16th in the nation in judicial compensation for trial judges. Today, Iowa trial judge salaries place a lowly 37th. In states of comparable population, only one, Oklahoma, pays its judges less than Iowa.

Low judicial compensation is bound to have an adverse impact on the quality of justice in Iowa. To address this imminent problem, the judicial department is strongly supporting the salary recommendations of the Iowa Commission to Review Judicial Compensation and Benefits.

Last year the Commission proposed a salary schedule, slightly below the national average, which we feel will begin to raise the compensation of judges to a level commensurate with their important responsibilities. This is no “pie in the sky” request. This salary proposal is fair and reasonable and we respectfully ask your support so that the quality of Iowa justice will be maintained.

The clerks of district court also deserve special mention. The clerks perform many important functions, including over 160 statutory duties. In 1986, almost 900,000 new cases of all kinds were funneled through the offices of the clerks of court. Last year, the clerks handled over 65,000 uncontested small claims matters and more than 400,000 scheduled violations without judicial assistance.

In addition, the clerk’s office is the first registration point for thousands of vital records, including marriages, births, deaths and other documents. Many clerks and their staff work extra hours without additional pay to keep up with the mountains of paperwork.

Despite these important responsibilities and sacrifices, the clerks and their deputies are not treated equally with other state employees when it comes to compensation.

When the Legislature passed court reorganization, it also passed a law capping the clerk’s salary at the highest salary received by the county auditor, treasurer, or recorder. Another provision of the court reorganization bill required the State Court Administrator to implement comparable worth for our judicial department employees. Because of the cap, however, comparable worth cannot be fully implemented for the clerks and their deputies.

We believe that the clerks and their deputies should be given equal treatment under the law and the laudable objectives of comparable worth be made available to them.

Therefore, repeal of this ceiling is one of the Court’s top priorities. We ask that you correct this inequity which unreasonably singles out the district court clerks and deputies from other state employees.

Our first-rate judicial services can also be attributed to people who volunteer their time, energy, and expertise to assist the third branch. We are guided by the advice of many committees, boards, and commissions composed of lay people, lawyers, judges, and staff.

One of these groups assists the court with our interest on Lawyers Trust Account Program. This program is funded by interest generated from Lawyers Trust Accounts. From this fund grants are awarded to help provide legal services to low income Iowans in civil cases and to support special projects relating to the administration of justice in Iowa. The Supreme Court with the advice of

the IOLTA Commission has awarded over 1 million dollars in public interest grants since this program began on July 1, 1985.

In two judicial districts, volunteers provide a special service to abused and neglected children, who are under the jurisdiction of the juvenile court. The Court Appointed Special Advocate program utilizes trained adults who volunteer to advocate for the best interests of these children. This program has received enthusiastic reviews and we are requesting additional funds to expand it.

We take pride in our judicial officers, referees, court attendants, court reporters, juvenile court officers, clerks of court, administrative staff, and volunteers for their part in providing top quality judicial services to the people.

Because the judicial system in Iowa has worked so well for so long, we tend to take it for granted. In these difficult economic times when the financial resources of the people of Iowa and of the state are stretched to the limit, we must try to improve the efficiency of judicial services without eroding the quality of justice.

Trial delays tend to clog the judicial system, increase the cost of litigation, and waste scarce judicial resources. We believe that the sooner a case is resolved, the less it will cost the parties. With the help of our judicial council, the Supreme Court has taken important steps to eliminate needless trial delays. Recently, the court implemented statewide procedures and time standards for case processing and movement.

Our time standard guidelines call for disposition of certain types of cases within fixed time frames. For example, civil jury trials must be disposed of within 18 months and civil non-jury cases must be disposed of within 12 months.

Other types of inefficiencies in our judicial system relate to information processing. Many of these problems could be reduced or eliminated with full utilization of modern technology, specifically – computerization.

Chief Justice Reynoldson spoke to you last year about the Iowa Court Information System. The need for it is crucial and should be addressed again.

- Among other things, an automated court information system will:
- Improve the court's ability to retrieve information;
- Allow the judicial department to provide better and more up-to-date data to the Legislature and state agencies from which to make policy decisions;
- Increase revenue collections from court fines, fees and costs by monitoring cases more effectively;
- Eliminate the use of disparate and incompatible computers that cost the State nearly two million dollars a year in rental and maintenance fees; and

- Provide us with better data so that we will have the ability to use a weighted caseload to determine judgeship requirements and staffing levels.

Today, computerization is not a luxury, but a necessity. Long ago, the Legislature wisely provided computerization to the executive branch and more recently you computerized many of your operations.

Computerization is perhaps even more necessary for the management of a unified court system. “Reorganization places heavy demands on the system for coordination among units, for sharing information between courts and administrative offices and for increased specialization in performing many of the administrative functions.”

Our budget recommendation for fiscal year 1989 requests funds for further automation of the courts. We ask your support so that we may reach our goal of a statewide system.

Serving the needs of Iowans efficiently and effectively cannot be done without adequate resources. The 62.9 million dollar judicial branch budget for fiscal year 1989 is the amount necessary to assure that Iowans receive basic, yet good quality, judicial services.

This is a responsible budget. The Supreme Court carefully scrutinized the requests of the eight judicial districts and other components of the judicial department, and carved out almost 6 million dollars in legitimate proposed expenditures.

It’s important to note that based on fiscal year 1988 figures, the cost of the judicial system in this state amounts to only 2.3 percent of the total state budget. Over one-half of the judicial department’s operating budget for this fiscal year, is offset by court generated revenues in the projected amount of more than 31 million dollars.

Court reorganization was a statement by the leaders of Iowa that it is the responsibility of the state to support the judicial system. We ask that you, as lawmakers, not stop there. We ask that you build on that responsibility by appropriating sufficient funds so that the system you helped create will live up to your expectations. Let us never forget the basic obligation of our government to provide justice for all the people.

My concerns are somewhat summarized in a statement of former Chief Justice Burger of the United States Supreme Court.

He once said:

Ideas, ideals and great conceptions are vital to a system of justice, but it must have more than that — there must be delivery and execution. Concepts of justice must have hands and feet or they remain sterile abstractions. The hands and feet we need are efficient means and methods to carry out justice in every case in the shortest possible time and at the lowest possible cost. This is the challenge to every lawyer and judge in America.

That also is the challenge to those of us in Iowa government.

In the spirit established 150 years ago, let us all continue to cooperate to meet that challenge.